

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

JOYCE ACKERMAN, et al.,

Plaintiffs,

vs.

Case No. 3:00cv277  
3:04cv033

FORTIS BENEFITS INSURANCE CO.,

JUDGE WALTER HERBERT RICE

Defendant.

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DECISION AND ENTRY ADOPTING INITIAL (DOC. #114) AND  
SUPPLEMENTAL REPORTS AND RECOMMENDATIONS (DOC. #117)  
OF THE UNITED STATES MAGISTRATE JUDGE IN THEIR ENTIRETY;  
MAGISTRATE JUDGE'S ORDER STRIKING OBJECTIONS AFFIRMED;  
JUDGMENT TO ENTER AGAINST PLAINTIFF'S IN THE AMOUNT OF  
\$1,000, JOINTLY AND SEVERALLY, FOR THEIR VIOLATION OF  
FED. R. CIV. P. 11; TERMINATION ENTRY

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Pursuant to the reasoning and citations to the record, set forth by the  
Magistrate Judge in his Initial (Doc. #114) and Supplemental (Doc. #117) Reports  
and Recommendations, as well as upon this Court's thorough *de novo* review of  
the procedural history of the captioned causes, and the applicable law, this Court  
adopts said judicial filings in their entirety. The Magistrate Judge's Order striking  
the Plaintiffs' Objections is deemed well taken and is, therefore, affirmed.

It would serve no useful purpose to set out the procedural history of the  
captioned causes at this time. Suffice it to say that this Court's decisions have

been made, affirmed by higher courts and have long since become final. The fact that Defendant's counsel asked for a settlement conference, post-decision, as a means of expediting the final resolution of these matters, does not serve to breath life into a case that had been reduced to a final decision, long prior to such a request being made. Indeed, this Court is under no legal obligation to convene a settlement conference, under the state of the record as it existed at the time the request was made.

Given the Plaintiffs' violation of Fed. R. Civ. P. 11, this Court adopts the Magistrate Judge's recommendation that the Plaintiffs be fined \$1,000, jointly and severally. Judgment is, accordingly, entered against the Plaintiffs in that amount. Should the Plaintiffs persist in making additional filings in the captioned causes, this Court will, upon notice and hearing, seek to utilize its contempt powers to jail Plaintiffs for contempt of court.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

January 29, 2008

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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

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WHR:slc